APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
VAN DOREN, BETH

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 11/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/955,476	ODINAK, GILAD
	Examiner	Art Unit
	Beth Van Doren	3623

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2001* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

1.   The following is a non-final, first office action on the merits. Claims 1-30 are pending.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3.   Claims 1-6, 8-16, 18-26, and 28-30 are rejected under 35 U.S.C. 102(e) as being

anticipated by Rosenberg et al. (U.S. 6,249,233).

4.   As per claim 1, Rosenberg et al. teaches a computer-based vehicle payment method

comprising:

       determining vehicle location of a vehicle (See column 8, lines 19-30, column 14, lines

20-29, which discusses using a vehicle location unit (VLU) to determine the location of a

vehicle);

       sending the determined vehicle location to a server (See column 3, lines 2-10 and 21-23,

column 8, lines 2-13, and column 9, lines 8-15, which disclose a parking network with the server

of the central computer. See column 8, lines 25-27, and column 14, lines 20-29, which discusses

the vehicle location data being sent to the server (central computer));

determining at the server whether the sent vehicle location locates the vehicle in a pay

location (See column 8, lines 2-13, 28-35, and 46-48, column 9, lines 8-15, column 14, lines 29-

33, which discuss the parking network and determining at the server (central computer) of this

network whether the sent vehicle location is located in a pay lot); and

if it is determined that the vehicle is located in a pay location, completing a payment

transaction (See column 8, lines 11-13 and 39-45, column 14, lines 31-33, which discuss that

after the determination is made that the vehicle is in a pay location, activating and completing the

payment transaction).

5.   As per claim 2, Rosenberg et al. discusses a method wherein sending the determined

vehicle location is wirelessly transmitted over a data channel via a server network (See figures 1

and 7, column 7, lines 5-18, column 8, lines 19-30, column 14, lines 20-29, which disclose using

a parking network and a VLU. A VLU is a wireless device that sends location information).

6.   As per claim 3, Rosenberg et al. teaches a method wherein completing the payment

transaction comprises paying an owner associated with the pay location from an account

associated with the vehicle (See column 2, lines 40-46, column 3, lines 10-16 and 39-44, column

5, lines 55-60, column 8, lines 42-45, and column 11, lines 50-55, which disclose completing the

payment transaction by paying the owner associated with the pay location (PA or OA) from an

account associated with the vehicle (the subscriber is registered and has a debit account with the

network). The VLU is a type of TRD).

7.   As per claim 4, Rosenberg et al. teaches a method wherein completing the payment

transaction further comprises notifying an attendant at the pay location that payment has been

completed (See column 11, lines 46-55, which teaches completing a payment transaction and the

attendant debiting the account of the subscriber and being paid, therefore the attendant is aware

because he/she receives a payment that the transaction is completed).

8.   As per claim 5, Rosenberg et al. teaches a method wherein payment is performed

automatically (See column 11, lines 50-55, which discusses directly debiting the account).

9.   As per claim 6, Rosenberg et al. teaches a method wherein sending occurs after a first

vehicle trigger event occurs (See column 8, lines 25-30, and column 14, lines 20-33, which

discusses sending location information after the vehicle trigger event of the car stopping in a

parking location).

10.   As per claim 8, Rosenberg et al. teaches a method wherein the server begins a clock after

the determined vehicle location is received (See column 9, lines 30-31 and 35-37, column 14,

lines 38-42, wherein the server begins a clock after the vehicle's parked location is received).

11.   As per claim 9, Rosenberg et al. teaches a method further comprising:

        generating a complete transaction signal at the vehicle based on a second trigger event

(See column 8, lines 40-45, wherein the changing of the car's location from its previously parked

position serves as a second trigger event, which generates a complete transaction signal); and

        sending the generated completed transaction signal to the server, wherein completing the

payment transaction comprises (See column 8, lines 40-45, column 9, lines 28-31, and column

14, lines 38-42, wherein the completed transaction signal is sent to the server (central

computer)):

        stopping the clock after the server receives the complete transaction signal from the

vehicle (See column 8, lines 40-45, column 9, lines 28-31, and column 14, lines 38-42, wherein

the clock is stopped after the server (central computer) receives the signal from the vehicle that is

no longer parked); and

determining an amount of payment required based on an elapsed time of the clock (See

column 8, lines 40-45, column 11, lines 49-55, which disclose determining an amount of

payment based on the elapsed time of the timer).

12.   As per claim 10, Rosenberg et al. teaches a method wherein the second vehicle triggers

event comprises at least one of unlocking the door, inserting the key in the ignition switch,

opening or closing the vehicle door, starting the vehicle, or moving the vehicle a threshold

distance from the vehicle's previous location (See column 8, lines 40-45, wherein the trigger

event that ends the parking transaction involves the moving of the car a distance from its

previous parked location after it has been stopped in this previous parked location for an elapsed

time).

13.   As per claims 11-16 and 18-20, claims 11-16 and 18-20 are the system versions of the

computer-implemented method of claims 1-6 and 8-10, respectively. Therefore, claims 11-16

and 18-20 are rejected using the same art relied upon in the rejections of claims 1-6 and 8-10,

respectively, above.

14.   As per claim 21, Rosenberg et al. teaches a computer-based vehicle payment system

comprising:

a vehicle comprising:

a location determining component configured to determine the location of the vehicle

(See column 8, lines 19-30, column 14, lines 20-29, which discusses a location determining

component called a vehicle location unit (VLU) that is used to determine the location of a

vehicle); and

a communication component configured to send the determined vehicle location

information (See column 8, lines 25-27, and column 14, lines 20-29, which discusses the VLU

have a communication component and the vehicle location data being communicated to the

server (central computer)); and

a server comprising:

a communication component configured to receive the determined vehicle location

information from the vehicle (See column 3, lines 2-10 and 21-23, column 8, lines 2-13, and

column 9, lines 8-15, which disclose a parking network with the server of the central computer.

See column 8, lines 25-27, and column 14, lines 20-29, which discusses the vehicle location data

being sent to the server (central computer) and the communication being received);

a vehicle location identifying component configured to determine if the sent vehicle

location information locates the vehicle in a pay location (See column 8, lines 2-13, 28-35, and

46-48, column 9, lines 8-15, column 14, lines 29-33, which discuss the parking network and

determining at the server (central computer) of this network whether the sent vehicle location is

located in a pay lot); and

a transaction completing component configured to complete a payment transaction if the

vehicle location identifying component determines that the vehicle is located in a pay location

(See column 8, lines 11-13 and 39-45, column 14, lines 31-33, which discuss that after the

determination is made that the vehicle is in a pay location, activating and completing the

payment transaction).

15.   As per claims 22-26 and 28-30, claims 22-26 and 28-30 are the system versions of the

computer-implemented method of claims 2-6 and 8-10, respectively. Therefore, claims 11-16

and 18-20 are rejected using the same art relied upon in the rejections of claims 1-6 and 8-10,

respectively, above.

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

17.   Claims 7, 17, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rosenberg et al. (U.S. 6,249,233).

18.   As per claim 7, Rosenberg et al. discloses a method wherein the first vehicle trigger event

involves stopping the car in the parking location (See column 8, lines 28-30, and column 14,

lines 28-33, which discusses beginning the parking process based on the trigger event of the car

stopping). However, Rosenberg et al. does not expressly disclose that this trigger event of

stopping comprises at least one of shutting off the engine, removing the vehicle key from the

ignition switch, opening or closing the vehicle door, or locking the vehicle.

Shutting off the engine, removing the vehicle key from the ignition switch, opening or

closing the vehicle door, and locking the vehicle are all activities that occur when a car is

stopped in a parking location. The specification is silent about any functional relationship

between these activities and the occurrence of the first trigger event, and therefore the activities

are non-functional activities. It would have been obvious to one of ordinary skill in the art at the time of the invention to include shutting off the engine, removing the vehicle key from the ignition switch, opening or closing the vehicle door, or locking the vehicle as indicators that the first trigger event of Rosenberg et al. has occurred in order to increase the precision of the charging of parking fees by more specifically defining the moment a car is stopped in a parking location. It is old and well known that a person shuts off the engine, removes the vehicle key from the ignition switch, opens and closes the vehicle door, and locking the vehicle are steps of stopping a car in parking location.

19.   As per claims 17 and 27, claims 17 and 27 are system versions of the computer-implemented method of claim 7. Therefore, claims 17 and 27 are rejected using the same art relied upon in the rejection of claim 7 above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anthonyson (U.S. 5,414,624) discusses an automated system for charging a parked car for its time in a parking lot using a wireless device and a network. The charging begins with a first trigger event and ends with a second trigger event, which causes fees to be debited from the account and paid to the attendant.

Hildebrant (U.S. 6,363,324) teaches a vehicle location system which using wireless devices and a network to determine the location of a parked car, which would be in a parking lot.

Janky et al. (U.S. 5,777,580) discloses a vehicle location system using a wireless system and a network that determines a cars location based on a trigger event.

Zeitman (U.S. 5,940,481) discusses a parking management system wherein a car location

is detected though the identification of the car through its interaction with the network. The car

is charged fees for parking.

Bunn (U.S. 6,240,365) discusses a system for determining the location of a car and using

sensors to determine conditions concerning the car.

ExpressLane Parking ("Program Description") teaches a system for the wireless

communication with a electronic tag in the car which interacts with the network to determine the

car's location and pay for parking of the car. The account of the car is debited, the fees being

accessed between a first and a second trigger event.

Randelman (EP 0 461 888 A2) teaches a wireless device that detects the location of a car

and using a network debits that car for services associated with it.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882.

The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 305-7687 for regular

communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-1113.

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bvd
October 29, 2002

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600